## STATE OFFICERS ELECTORAL BOARD Special Meeting Monday, July 21, 2014

## MINUTES

PRESENT: Jesse R. Smart, Chairman

Charles W. Scholz, Vice Chairman

Harold D. Byers, Member Betty J. Coffrin, Member Ernest L. Gowen, Member William M. McGuffage, Member Bryan A. Schneider, Member Casandra B. Watson, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director

James Tenuto, Assistant Executive Director

Steve Sandvoss, General Counsel Amy Calvin, Administrative Assistant II

The meeting of the State Officers Electoral Board was called to order via videoconference with the Chicago office at 10:31 a.m. Seven Members were present in Springfield and Member Watson was present in Chicago.

Vice Chairman Scholz moved to approve the minutes from the June 17 and July 7 meetings as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented an objection to a resolution to fill a vacancy in nomination for the November 4, 2014 General Election for Agenda item 2.a, *Peterson v. Kolber*, 14SOEBGE505. He reviewed the matter and concurred with the hearing officer recommendation that the objection be overruled, the motion to strike and dismiss be granted and the candidate be certified to the general election ballot. The General Counsel agreed with the opinion of the hearing officer that the proxy voting by the individuals who were authorized by the members of the Congressional committee was proper and the proxy chairing of the meeting by the person designated by the Chairman was proper as well. Furthermore, the nominating documents required to be filed were in compliance with the requirements of the Election Code, the nomination was proper and the vacancy was filled within the statutory time frame.

James Nally was present on behalf of the candidate and agreed with the recommendation. Andrew Finko was present on behalf of the objector and did not agree with the recommendation. He first argued that the hearing officer erred by converting the Candidate's Motion to Strike into a Motion for Summary Judgment. He then argued that the Congressional committee was not properly constituted and the proxy chairing and voting on the nomination was not in compliance with the cited provisions of the Election Code. He asked that the objection be sustained. Discussion ensued between the parties regarding the applicability of the by-laws of the republican party in this matter. The General Counsel noted that the affidavits were properly considered, and that the Objector could have but did not request subpoenas for any of the persons involved. In addition, he noted that all evidence was considered at the hearing. Vice Chairman Scholz moved to adopt the recommendation of the General Counsel to overrule the objection and certify the candidate to the ballot. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Next was consideration of objections to independent and new party candidate petitions for the November 4, 2014 General Election. The General Counsel presented Agenda item 3.a, *Sherman v. Davis*, 14SOEBGE507 and 3.c, *Atsaves & Gale v. Davis*, 14SOEBGE512. He concurred with the hearing officer recommendation that the objections be sustained based on a lack of sufficient number of signatures (candidate submitted one signature on each petition). Roger Davis was present and said he felt that he did not need a minimum number of signatures to be on the ballot and disputed the state's ability to establish a signature requirement for federal office. Member Schneider moved to adopt the recommendation of the General Counsel to sustain the objection for Agenda item 3.a and not certify the candidate to the ballot. Member McGuffage seconded the motion which passed by roll call vote of 7-0. Vice Chairman Scholz recused himself from the objection for Agenda item 3.c and not certify the candidate to the ballot. Member McGuffage seconded the motion which passed by roll call vote of 7-0. Vice Chairman Scholz recused himself from the matter.

The General Counsel presented Agenda items 3.b & d, *Sherman v. Moore & Bourland*, 14SOEBGE508 and *Atsaves & Gale v. Moore & Bourland*, 14SOEBGE513 and concurred with the hearing officer recommendation that the objections be sustained based on a lack of sufficient number of signatures. Caroline Bourland was present and indicated she did not give permission for her name to appear on the nominating petition. The General Counsel verified that a written letter was received from Ms. Bourland indicating same. Gregg Moore was present as well and indicated he did not agree with the recommendation. Member Schneider moved to adopt the recommendation of the General Counsel to sustain the above objections and not certify the candidates to the ballot. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 3.e, *Allen v. Samuels*, 14SOEBGE517 and concurred with the hearing officer recommendation that the objection be sustained based on a lack of sufficient number of signatures. Vice Chairman Scholz moved to adopt the recommendation of the General Counsel to sustain the objection and not certify the candidate to the ballot. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented subpoena requests for Agenda items 4.a, b & d: Atsaves & Gale v. Oberline, 14SOEBGE514; Atsaves & Gale v. Grimm, 14SOEBGE515; and Flores v. Ward, 14SOEBGE519 and recommended the requests be granted. Member Schneider moved to grant the subpoena requests in those matters. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General presented a subpoena request for Agenda item 4.c, *Yarbrough v. Lopez*, 14SOEBGE516 and concurred with the hearing officer recommendation to grant the requests for subpoenas to the various election authorities and deny the request for the appearance of Karen Yarbrough since the basis of the candidate's request is irrelevant to the proceedings. Andrew Finko was present on behalf of the candidate and said the subpoena to request the appearance of Ms. Yarbrough should be granted in order to hear her testify as to her review of candidate's petition and preparation of her objector's petition. Mike Kasper was present on behalf of the objector and said the appearance of his client should not be granted because it was unnecessary and constituted harassment. He also offered to enter into a stipulation that would provide all the information Mr. is seeking. After discussion, Member Schneider moved to adopt the recommendation of the General

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Counsel to grant the subpoena requests to the election authorities and deny the subpoena requesting the appearance of the objector and her documents. Member Gowen seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the State Officers Electoral Board, Vice Chairman Scholz moved to recess until August 22, 2014 at 10:30 a.m. Member Byers seconded the motion which passed unanimously. The meeting recessed at 11:45 a.m.

Respectfully submitted,

Amy Calvin, Administrative Assistant I

Ruper Borgsmille Executive Director